

**REMARKS****I. Introduction**

Claims 1-26 are pending in the application. All pending claims stand rejected. In particular, (1) claim 23 stands rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter, (2) claim 24 stands rejected under 35 U.S.C. §112, second paragraph, for lacking antecedent basis in the preamble, (3) claims 1-2, 15, and 19-26 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,815,665 (hereinafter "Teper"), and (4) claims 3-14 and 16-18 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Teper in view of Official Notice.

Upon entry of this amendment, which is respectfully requested, claims 5-6 and 22 will be cancelled without prejudice or disclaimer, and independent claims 1, 23, and 25, as well as dependent claims 2-4, 7-14, 16-18, 21, 24, and 26, will be amended, and new claims 27-29 will be added, to more distinctly claim current embodiments. No new matter is believed added by this amendment. Support for all amendments exists in the specification and claims as originally filed, and all such matter has previously been searched by the Examiner.

Applicants respectfully request reconsideration and further examination of the pending claims in view of the arguments presented herein and in accordance with 37 CFR §1.112.

***A. Summary of Claimed Embodiments***

According to some embodiments, an aggregation service provides Internet access to registered users. In some embodiments, the aggregation service collects incentives for distribution to the registered users. The aggregation service may, for example, intervene in online transactions conducted by the registered users so that any discounts or coupons that would normally be received by the individual registered users are received instead by the aggregation service. In some embodiments, the aggregation service may distribute the aggregated incentives to the registered users.

***B. Summary of the Cited Reference***

As discussed in the Abstract and, e.g., at Cols. 5-6, Teper generally describes an Online Brokering Service that "provides user authentication and billing services to allow users to

anonymously and securely purchase online services." The system in Teper is described as a central system that both consumers and service providers must register with in order to utilize the anonymity services. Teper's central system handles the billing and customer management processes for the service providers that register with the system.

## **II. The Examiner's Rejections**

### **A. Rejections Under 35 U.S.C. §101 and §112, Second Paragraph**

Claim 23 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter, and claim 24 stands rejected under 35 U.S.C. §112, second paragraph, for lacking antecedent basis in the preamble. Applicants have amended independent claim 23 to include the structure of a computer, and claim 24 has been amended to properly refer to the executable "software" code of independent claim 23. Applicants therefore respectfully request that the §101 and §112, second paragraph rejections of claims 23 and 24, respectively, be withdrawn.

### **B. Rejection Under 35 U.S.C. §102(b)**

Claims 1-2, 15, and 19-26 stand rejected under 35 U.S.C. §102(b), as being anticipated by Teper. Applicants respectfully traverse this ground for rejection as follows.

#### **1. The reference fails to teach or suggest an aggregation service *wherein the aggregation service collects any incentives from the merchant site and stores the incentives in a database for use by users registered with the aggregation service***

Applicants respectfully assert that Teper fails to teach or suggest embodiments as recited in claims 1-2, 15, and 19-26. In particular, Teper fails to teach or suggest a method, device, code or system that includes registering users with an aggregation service *wherein the aggregation service collects any incentives from the merchant site and stores the incentives in a database for use by users registered with the aggregation service.*

Teper describes a central service that acts as a broker between consumers and service providers. Teper allows consumers to anonymously purchase services online, to provide increased security and privacy for the consumer. Nowhere in Teper is the aggregation of

incentives taught or suggested. Discounts, coupons, and other incentives are not even mentioned in Teper. Teper is simply not directed to aggregating or collecting incentives for registered users.

In contrast, currently claimed embodiments provide an aggregation service that collects incentives associated with registered users. A registered user that shops online, for example, may earn a discount on dog biscuits (*e.g.*, by purchasing a cat toy at an online pet store). In some embodiments, the aggregation service collects the discount (*e.g.*, by intercepting the transaction and/or substituting the aggregation service's identification for the user's identification). The aggregation service may then, according to some embodiments, award the user points associated with the online purchase. The user may then, for example, trade in the points in exchange for a different discount or incentive that has been collected by the aggregation service. In such a manner, for example, the user, who may only have a cat (and thus has no use for dog biscuits or dog biscuit discounts), may still receive a benefit from the online purchase (*e.g.*, by trading points in for a cat food coupon), while the incentive earned by the user may be utilized by another registered user (*e.g.*, that does have a dog).

Accordingly, Applicants respectfully assert that Teper fails to anticipate (or render obvious) embodiments as recited in claims 1-2, 15, and 19-26, at least because Teper fails to teach or suggest registering users with an aggregation service *wherein the aggregation service collects any incentives from the merchant site and stores the incentives in a database for use by users registered with the aggregation service.*

Applicants therefore respectfully request that the §102(b) rejection of claims 1-2, 15, and 19-26, be withdrawn.

### **C. Rejection Under 35 U.S.C. §103(a)**

Claims 3-14 and 16-18 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Teper in view of Official Notice. Applicants respectfully note that the Official Notice relied upon by the Examiner is not supported by any evidence of record. Applicants therefore respectfully request that, should the Examiner continue to rely upon the Official Notice, the required substantial evidence required to support the Examiner's assertions be appropriately entered into the record. Further, the Official Notice relied upon by the Examiner fails to make up for the deficiencies of Teper. The Official Notice does not, for example, teach or suggest registering users with an aggregation service *wherein the aggregation service collects any*

*incentives from the merchant site and stores the incentives in a database for use by users registered with the aggregation service.* Also, even if the combination of Teper and the Official Notice taught or suggested the limitations of the claimed embodiments (which Applicants assert that it does not), the §103(a) rejection of the pending claims would still be inappropriate because a *prima facie* case for obviousness has not been established. The Examiner has not, for example, pointed to a specific teaching in either Teper or the Official Notice that would have motivated one skilled in the art to combine the alleged teachings.

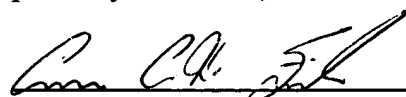
Applicants therefore respectfully request that the §103(a) rejections of claims 3-14 and 16-18 be withdrawn.

### **III. Conclusion**

Accordingly, Applicants respectfully assert that each of the pending claims is patentable over the cited reference. Applicants therefore respectfully request that all pending claims be allowed. Applicants' silence with respect to other comments made in the Office Action does not imply agreement with those comments. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at 203-972-4982.

Respectfully submitted,

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Date



Carson C.K. Fincham  
Reg. No. 54,096  
Buckley, Maschoff & Talwalkar LLC  
Five Elm Street  
New Canaan, CT 06840  
(203) 972-4982